United Nations S/2006/446

Security Council

Distr.: General
30 June 2006

Original: English

Letter dated 28 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Russian Federation submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-42094 (E) 010806 080806

Annex

Letter dated 28 June 2006 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: Russian]

I have the honour to transmit herewith, in response to your letter dated 4 April 2006, information on the implementation by the Russian Federation of Security Council resolution 1624 (2005) (see enclosure).

(*Signed*) I. **Shcherbak**
Chargé d'affaires a.i.

Enclosure

Implementation by the Russian Federation of United Nations Security Council resolution 1624 (2005)

I. Implementation of resolution 1624 (2005)

Paragraph 1

1.1. What measures does the Russian Federation have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

On 6 March 2006 the Russian Federation adopted Federal Act No. 35-FZ "On Counter-Terrorism", which includes among terrorist acts prohibited in the Russian Federation incitement to commit a terrorist act, advocacy of the idea of terrorism, dissemination of material or information calling for terrorist activities or supporting or justifying such activities and provision of information or other complicity in the planning, preparation or commission of a terrorist act.

In accordance with the Criminal Code of the Russian Federation, incitement to commit a crime of a terrorist nature or inducement to participate in the activities of a terrorist organization is punishable by deprivation of freedom for a period of four to eight years.

Also under consideration is the issue of strengthening criminal liability at the legislative level for justification, including in the media and on the Internet, of terrorist activities or crimes of a terrorist nature. In this regard, such activity may be something other than a direct call to commit a specific terrorist act.

The Russian Federation was the first member of the Council of Europe to ratify the Council's Convention on the Prevention of Terrorism, which was drafted and prepared with its active participation, and deposited its instrument of ratification with the Council in May 2006. In conjunction with the adoption of the corresponding Federal Act of 20 April 2005 "On ratification of the Council of Europe Convention on the Prevention of Terrorism" and of the Federal Act "On Counter-Terrorism", a bill is being drafted amending individual legislative acts of the Russian Federation, including additions to the Criminal Code and provisions specifying criminal liability for public calls to commit terrorist acts and public justification of terrorism.

In addition, under the special federal programme entitled Electronic Russia (2002-2010), work is being done to establish an infrastructure to filter Internet content for the purpose of preventing and monitoring incitement to commit terrorist acts.

1.2. What measures does the Russian Federation take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

In the Russian Federation the grounds and procedures for granting aliens and stateless persons refugee status or temporary asylum in its territory are specified by

Federal Act No. 122-FZ "On refugees" of 22 August 2004. This Act, does not cover persons:

- With respect to whom there are serious reasons for considering that they have committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- Who have committed a serious non-political crime outside the territory of the Russian Federation prior to their admission to the territory of the Russian Federation as refugees;
- Who have been guilty of acts contrary to the purposes and principles of the United Nations.

The aforementioned persons are not granted asylum by the Russian Federation.

Moreover, in accordance with Russian Presidential Decree No. 746 of 1997 "On approval of the procedures for granting political asylum by the Russian Federation", political asylum is not granted if the person is being prosecuted for acts of commission (or omission) recognized as crimes in the Russian Federation or is guilty of acts contrary to the purposes and principles of the United Nations and if criminal proceedings have been instituted against the person or a final judgement against the person requiring enforcement has been handed down by a court in the territory of the Russian Federation.

This Act not only provides for specific procedures but also establishes strict time limits for consideration of applications for refugee status, so that even clearly frivolous applications cannot be ignored.

Important elements of the procedure include verification of the reliability of information received about the applicant and accompanying family members, verification of the circumstances of their arrival and reasons for staying in the territory of the Russian Federation, thorough study of the reasons and circumstances mentioned by the applicant in the application as well as individual identification checks and fingerprinting.

The existing legislation of the Russian Federation on refugees is generally consistent with international norms for granting asylum. The Russian Federation extends the same guarantees to refugees as to other aliens staying (or residing) legally in its territory and, in the area of medical care, social services, employment and education, rights equal to the rights enjoyed by citizens of the Russian Federation.

Nevertheless, the Russian Federation must work to establish a more up-to-date and effective system of granting asylum which would enable it, on the one hand, to restrict illegal migration (including by persons belonging to international terrorist, extremist and criminal organizations) and to protect the rights of the population of the country and, on the other, to protect the rights of asylum-seekers truly in need of protection.

A new version of the Federal Act "On refugees" is now being drafted which is intended in particular to halt illegal migration into the territory of the Russian Federation through misuse by aliens of the right to asylum and to help to reduce the number of persons improperly granted refugee status. The draft takes into account

the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol, concluded by the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR), the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and studies of existing legislation in several foreign countries with considerable experience in implementing the Convention and dealing with asylum issues.

The list of additional grounds for denial of asylum contained in the bill is consonant with the proviso in article 33, paragraph 2, of the 1951 Convention relating to the Status of Refugees. These grounds include:

- Credible evidence of membership in a terrorist, extremist or criminal organization;
- Threat to State security and public order posed by the person's presence in the territory of the Russian Federation.

The Russian Federation is cooperating with the countries of origin of persons seeking asylum in the Russian Federation, inter alia for the purpose of verifying the reliability of information provided concerning the applicant's grounds for seeking asylum, including exchange of fingerprint records. This facilitates not only the suppression of unchecked multiple applications for asylum by persons who have no grounds for receiving refugee status but also the identification of persons with respect to whom there are serious reasons for considering that they are guilty of incitement to commit terrorist acts.

Paragraph 2

1.3. How does the Russian Federation cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

In accordance with Presidential Decree No. 1222 of 19 October 2005 "On basic identity papers for citizens of the Russian Federation outside the territory of the Russian Federation containing electronic data" and for the purpose of protecting the constitutional rights of citizens of the Russian Federation, public order and national security, the Russian Federation has introduced a passport for citizens of the Russian Federation, a diplomatic passport and a service passport, constituting the basic identity papers for citizens of the Russian Federation outside the territory of the Russian Federation and containing electronic data (new-style passport).

In accordance with the framework for the establishment of a State system for preparing, processing and monitoring the new-style passport and visa documents approved by the Government of the Russian Federation, the main objectives of this system include:

- Preventing illegal migration with the help of measures to prevent the counterfeiting, forgery or fraudulent use of identity papers;
- Strengthening the effectiveness of border controls and monitoring the issuance and handling of the new-style passport and visa documents;

- Improving and integrating State information resources used for border and migration control and for combating criminal and terrorist manifestations;
- Making the new-style passport and visa documents less liable to forgery by applying modern protective methods and measures;
- Providing technical support for the exchange of information between law enforcement agencies involved in inter-State cooperative efforts to combat illegal migration and criminal and terrorist manifestations.

The Russian Federation is actively engaged in strengthening cooperation with law enforcement agencies in a wide range of countries, including the Group of Eight (G-8), Western Europe, China, India and the Near and Middle East, and in cooperating within the framework of the Commonwealth of Independent States (CIS), the Shanghai Cooperation Organization (SCO), the Eurasian Economic Community and the Central Asian Union.

The Russian Federation has signed a cooperation agreement with the SCO member States to identify and close off channels used by persons involved in terrorist activity to enter the territory of SCO member States.

In the context of establishing effective mechanisms for cooperation in the area of counter-terrorism within the Collective Security Treaty Organization (CSTO), the Russian Federation has taken part in the formation of a working group on combating terrorism and extremism and preventing illegal migration, under the CSTO Committee of Security Council Secretaries.

Within the framework of the special federal programme entitled Electronic Russia (2002-2010), efforts are being made to equip airports and train stations with video surveillance systems designed to protect the international borders of the Russian Federation, including the introduction of more effective monitoring procedures to enhance terrorist screening and passenger security procedures.

Paragraph 3

1.4. What international efforts is the Russian Federation participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

During the Russian Federation's presidency of the G-8 beginning in July 2006, Moscow will host a world summit of religious leaders, which will devote a significant part of its work to improving mutual understanding among civilizations.

Work is being done in this area in conjunction with the Council of Europe in the following two areas: intercultural and interfaith dialogue through education; and history teaching in a multicultural society. Moreover, with respect to implementation of Security Council resolution 1624 (2005) and the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005, the Russian Federation and Germany have co-sponsored a joint workshop of the Council of Europe and OSCE on measures to counteract incitement to commit terrorist acts and recruitment and training of terrorists (to be held in Vienna on 19 and 20 October 2006), in which experts from the United Nations Counter-Terrorism Committee Executive Directorate, UNODC and relevant NGOs will participate.

A workshop on intercultural and interfaith dialogue under the joint auspices of the Russian Federation and Indonesia will be held in Jakarta this November within the framework of the Asia-Pacific Economic Cooperation (APEC) forum.

At the initiative of the Russian Federation, the Declaration on the occasion of the fifth anniversary of the Shanghai Cooperation Organization included the theme of dialogue and harmony among cultures and civilizations as one of the priorities of the Organization's activities.

The Russian Federation is carrying out a joint programme with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to help to restore the education system in the Chechen Republic, as well as a programme on tolerance, the culture of peace and measures to prevent extremism, racism and xenophobia.

The Russian Federation has begun preparations for the second international conference on terrorism and the electronic media (the first took place in October 2005 in Gelendzhik and was attended by representatives from 18 Governments, CIS, CSTO, the United Nations, UNESCO and the European Parliament). Representatives from SCO have been invited to attend the second conference in addition to all of the foregoing participants.

1.5. What steps is the Russian Federation taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

For the purpose of preventing the violation of constitutional, human and civil rights and the undermining of public security in the Russian Federation, measures are being taken for the prevention, early warning and suppression of socially, racially and ethnically motivated crimes. A bill has been drafted amending and supplementing the Federal Act "On combating extremist activities" which provides for measures to cut off the channels for financing extremist organizations and associations and gives the Office of the Procurator General additional authority to suspend the publication or distribution of extremist material prior to a federal court decision.

Furthermore, the Russian Federation is taking measures to strengthen legislative regulations prohibiting leaders of extremist organizations and persons involved in extremist activities from founding political parties or public and religious associations and prohibiting the holding of public events funded by organizations with extremist or terrorist leanings.

Paragraph 4

1.6. What is the Russian Federation doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

In accordance with article 1 of the Federal Act "On counter-terrorism" of 6 March 2006, which was referred to in paragraph 1.1, the legal counter-terrorism provisions are to be found mainly in the Constitution of the Russian Federation and

also in the universally recognized principles and norms of international law and the international agreements to which the Russian Federation is a party.

In accordance with article 2 of the foregoing Act, counter-terrorism measures in the Russian Federation, including measures to combat incitement of a terrorist act, are based, inter alia, on the following underlying principles:

- Promotion and protection of basic human and civil rights and freedoms;
- The rule of law;
- Priority given to the protection of the rights and legitimate interests of persons affected by the threat of terrorism;
- Certainty of punishment for carrying out terrorist activity;
- Systematic and comprehensive use of political, outreach, social and economic, legal, special and other counter-terrorism measures;
- Cooperation among Governments, public and religious associations, international and other organizations and citizens in combating terrorism;
- Counter-terrorism measures commensurate with the level of the terrorist threat.